

12/20/99
JCS U.S. PTO

PATENT
Attorney Docket No. 38730.830029.001
Express Mail Label No. EL222668295US

A

IN THE U.S. PATENT AND TRADEMARK OFFICE
PATENT APPLICATION TRANSMITTAL

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a X Utility Design Patent Application under 37 CFR §1.53(b). This application, entitled **SUBSTANCE DELIVERY APPARATUS**

is: an Original
X a Continuation
 a Divisional
 a Continuation-in-Part

Patent Application of pending prior application Serial No. 08/989,150 filed on December 12, 1997 by Michael CALLUAUD and Victor YERBURY for SUBSTANCE DELIVERY APPARATUS which is a U.S. Application of prior Australian application Serial No. PO4186 filed on December 12, 1996, from which priority is claimed.

Enclosed are:

- An original specification, claims, drawing and Declaration and Power of Attorney.
- X A true copy of the prior application, including the specification, claims, drawings, oath/declaration:
14 pages of specification
6 pages of claims
1 pages of abstract
7 pages of drawings
3 pages of Declaration
- X A preliminary amendment is enclosed to be entered in the new application after a filing date has been granted.
- New formal drawings are enclosed.
- A List of References.

The filing fee is calculated below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	49 - 20 =	* 29
INDEP CLAIMS	2 - 3 =	* 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

SMALL ENTITY			OTHER THAN A SMALL ENTITY		
RATE	FEE	OR	RATE	FEE	
	\$380	OR		\$ 760	
x 9 =	\$	OR	x18 =	\$ 522	
x38 =	\$	OR	x78 =	\$	
x130 =	\$	OR	+260 =	\$	
TOTAL	\$	OR	TOTAL	\$ 1282	

X A check in the amount of \$1282.00 is enclosed.

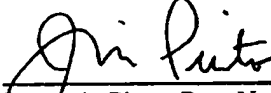
- ____ Please charge Deposit Account No. 08-2623 in the amount of \$_____.
- ____ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 08-2623.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-2623. A duplicate copy of this sheet is attached.
- X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- X Any patent application processing fees under 37 CFR 1.17.
- ____ Cancel claims _____.
- ____ Priority under 35 U.S.C. 119 is claimed on the basis of prior Australian application Serial No. PO4186, filed on December 12, 1996. A certified copy of this prior application was previously filed in the parent application.
- X Amend the specification by inserting before the first line the sentence:
- This is a continuation of co-pending application Serial No. 08/989,150, filed on December 12, 1997, which is hereby incorporated by reference in its entirety.--
- X The prior application is assigned to ResMed Limited, an Australian company.
- X The power of attorney in the prior application is to:
- Andrew D. Sorensen, Reg. No. 33,606, William J. Kubida, Reg. No. 29,664, F.A. "Sandy" Sirr, Reg. No. 17,265, Earl C. Hancock, Reg. No. 19,472, Homer L. Knearl, Reg. No. 21,197, Gregg I. Anderson, Reg. No. 28,828, Carol W. Burton, Reg. No. 35,465, Richard A. Bachand, Reg. No. 25,107, William W. Cochran, Reg. No. 26,652, Lee R. Osman, Reg. No. 38,260, John R. Wahl, Reg. No. 33,044, Stuart T. Langley, Reg. No. 33,940, and James A. Pinto, Reg. No. 40,774.
- a. X The power appears in the original papers of the prior application.
- b. _____ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. _____ Recognize as associate attorney and address all future communications to:
- Lee R. Osman
Holland & Hart LLP
555 17th Street, Suite 3200
P.O. Box 8749
Denver, CO 80201-8749
- ____ A verified statement that this filing is by a small entity:
- ____ is attached.
- ____ has been filed in the parent application and such status has been re-determined and is still proper and desired. (37 C.F.R. 1.28(a)).

Please forward all correspondence to:

Lee R. Osman, Reg. No. 38,260
HOLLAND & HART LLP
555 Seventeenth Street, Suite 3200
P.O. Box 8749
Denver, Colorado 80201
Phone: (303) 295-8589
Fax: (303) 295-8261

Dated this 20th day of December, 1999.

Respectfully submitted,



James A. Pinto, Reg. No. 40,774
HOLLAND & HART LLP
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P.O. Box 8749
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(303) 295-8254

2605238_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Continuation Application of:

Michel CALLUAUD and Victor YERBURY

Serial No.

Filed: Herewith on December 20, 1999

For: SUBSTANCE DELIVERY APPARATUS

Examiner:

Art Unit: 3761

CERTIFICATE OF MAILING BY EXPRESS MAIL

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir,

The undersigned hereby certifies that the attached:

1. Patent Application Transmittal;
2. Preliminary Amendment;
3. Copy of prior application (which includes 14 pages of description, 6 pages of claims, 7 sheets of drawings, 3 pages of Declarations, and 1 page of abstract),
4. Check in the Amount of \$1,282.00;
5. Return Card; and

this Certificate of Mailing by Express Mail relating to the above application, were deposited as "Express Mail," Mailing Label No. EL222668295US, with the U.S. Postal Service, addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C., 20231, on this 20th day of December, 1999.

December 20, 1999

Valerie Brown
Mailer

December 20, 1999

James A. Pinto
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